

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

THE ART INSTITUTE OF PHILADELPHIA
LLC, *et al.*,
Debtors.

Chapter 7
Case No. 18-11535 (LSS)

(Jointly Administered)

GEORGE L. MILLER, Chapter 7 Trustee,

Plaintiff,

v.

Adv. Proc. No. 20-50627 (LSS)

TODD S. NELSON, JOHN R. McKERNAN,
SAMUEL C. COWLEY, EDWARD WEST,
MARK A. McEACHEN, FRANK JALUFKA,
J. DEVITT KRAMER, MARK NOVAD, JOHN
DANIELSON, AND MICK BEEKHUIZEN,

Defendants.

**TODD S. NELSON AND SAMUEL C. COWLEY’S
MOTION TO DISMISS THE COMPLAINT**

Defendants Todd S. Nelson and Samuel C. Cowley (collectively, “Defendants”), by and through their undersigned counsel, hereby move this Court pursuant to Federal Rule of Civil Procedure 12(b), as incorporated by Federal Rule of Bankruptcy Procedure 7012(b), for entry of an order substantially in the form attached hereto as Exhibit A (i) dismissing the Complaint as against Defendants with prejudice and (ii) granting Defendants such other and further relief as is just and proper. In support of their Motion, Defendants rely upon the accompanying *Opening Brief in Support of Motion by Todd S. Nelson and Samuel C. Cowley to Dismiss the Complaint* and the *Declaration of Marcos A. Ramos, Esq. in Support of Todd S. Nelson and Samuel C. Cowley’s Motion to Dismiss the Complaint* and the exhibits attached thereto, as to which the Defendants

request the Court to take judicial notice. Defendants also rely on and incorporate in relevant part the concurrently-filed *Memorandum in Support of Motion of Defendants John R. McKernan, Edward West, and Mick Beekhuizen to Dismiss the Trustee's Complaint*, the *Opening Brief in Support of Defendants Mark McEachen, Frank Jalufka, and John Danielson's Motion to Dismiss the Complaint*, and the *Opening Brief in Support of Motion to Dismiss of Defendants John Devitt Kramer and Mark Novad*, as well as the declarations submitted in support of these briefs and motions.

Dated: September 14, 2020
Wilmington, Delaware

/s/ Marcos A. Ramos
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